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F.B.I. Informant in Klan Asserts He Shot and Killed a Black in '63

By HOWELL RAINES
Special to The New York Times

ATLANTA, July 9 — The Federal Bureau of Investigation's chief paid informant in the Ku Klux Klan in the early 1960's has told the Alabama authorities that, while on the bureau payroll, he shot a black man to death; then kept quiet about the killing at the instruction of an F.B.I. agent, according to investigative documents.

The account given to the Alabama authorities by the informant, Gary Thomas Rowe Jr., has been denied by the agent Mr. Rowe named. A spokesman for the bureau said its files contained no record of such a shooting, which Mr. Rowe told investigators occurred during racial rioting in Birmingham.

Mr. Rowe, in turn, has accused the F.B.I. of having purged its files about his undercover work in Klan "action squads" in an effort to protect its own reputation, according to investigative records compiled by the Alabama Attorney General's Office and the Birmingham Police Department.

2 Polygraph Failures Cited

Mr. Rowe told Alabama investigators of the previously unreported killing while they were questioning him last year about the 1963 bombing that killed four black children at the 16th Street Baptist Church in Birmingham. The investigative documents show that Mr. Rowe has twice failed polygraph tests in which he denied direct involvement in that and two other bombings.

As a result of those tests, according to sources close to the renewed investigation into racial violence in Alabama in the 1960's, Mr. Rowe is now suspected of having acted as an agent provocateur, participating in the violent activity that the F.B.I. had hired him to monitor and helping to plan it.

Byron McFall, the agent to whom Mr. Rowe said he reported the shooting, contended in a telephone interview that the informant's account was "an absolute falsehood." Mr. McFall, now a Federal judge in Oklahoma City, was an F.B.I. agent in Birmingham from 1958 to 1964. Mr. Rowe received monthly payments of $20 to $300 from the bureau for his reports to Mr. McFall and others in the agency's Birmingham office between 1960 and 1965.

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Mr. McFall said Mr. Rowe had fabricated the incident to "gain attention."

Because the polygraph tests indicated that Mr. Rowe was involved in other incidents of violence, however, the Alabama authorities are unsure what to make of the apparent confession. One theory investigators have developed is that, whether or not Mr. Rowe reported the shooting, it may actually have occurred and he may fear that it will be uncovered in the new inquiries.

Thus, in apparently confessing to a previously undisclosed crime, one of the investigative memos suggested, Mr. Rowe may have been bargaining for blanket immunity from state prosecution for whatever occurred while he was an undercover agent.

When the matter came up last October, Mr. Rowe and his attorneys were meeting in California with the Alabama authorities, who wanted Mr. Rowe to return to the state to testify against Robert E. Chambliss, the former Klansman later convicted of murder in the 16th Street Church bombing.

However, the Alabama Attorney General, Bill Baxley, gave up his plan to use Mr. Rowe as a prosecution witness after polygraph results indicated that on two occasions Mr. Rowe had given "deceptive" answers about the church bombing.

Mr. Rowe gained national attention in 1975, when, wearing a hood to protect the new identity he had assumed with the F.B.I.'s help, he told a United States Senate Committee that the F.B.I. had encouraged him to participate in acts of violence to gather evidence against the Klan.

Testified on Slaying

Mr. Rowe had been in hiding since he testified in 1965, with F.B.I. protection, that he had been with the three Klansmen who killed Viola Liuzzo, a Detroit housewife who had come to Alabama for the civil rights march from Selma to Montgomery.

Mr. Rowe's account of the alleged shooting in 1963 is reported in a memo to a state prosecutor from the investigator who questioned him. Mr. Rowe was quoted as saying that while driving through a black section of Birmingham during one of the nights of rioting that followed turbulent demonstrations that year, he encountered a black man who was beating a woman and was forced to shoot the man to protect himself.

Mr. Rowe stated that he reported the shooting to a Birmingham police sergeant who was manning a barricade in the riot zone and later made a telephone call to Mr. McFall.

After checking with the police, Mr. Rowe alleged, the Federal agent called back and said that a black man had been shot through the eye. Mr. Rowe is quoted as saying that he responded: "This is not the one. I'm an excellent shot, and I hit this nigger right in the chest."

'You Killed Him'

According to the memo, Mr. Rowe said the F.B.I. agent again checked with the police and called back to say: "You're right. You killed him. The sergeant with the B.P.D. recognized you?"

Mr. Rowe is said to have stated that the police sergeant did not know him. Mr. McFall is then quoted in the memo as saying to Mr. Rowe: "Just sit tight and don't say anything else about it."

The detective concluded, "Rowe is trying to get this crime under the immunity letter" offered him by the Alabama authorities in the church bombing case. "Rowe doesn't say so, but if this did happen," the investigator added, "Rowe would tell it now hoping to get immunity for the murder."

In another memo about the incident, the investigator concluded that Mr. Rowe had adopted the strategy of "trying to tell all his capital offenses for immunity now, so that later he can't be charged with the crime."

'Deception Responses'

Investigators apparently have neither found nor searched intensively for a shooting death to match Mr. Rowe's description. Because of the temper of those times in Birmingham and possible lapses in record-keeping on racial matters, a source close to the investigation said, the incident might be hard to substantiate if it did occur.

There is no record of Mr. Rowe's having been asked about the alleged shooting during the polygraph tests in which he was questioned about racial bombings in Birmingham in 1963.

The Alabama authorities began to regard Mr. Rowe as a suspect rather than a potential witness when a polygraph examiner concluded that he showed "strong and consistent unresolved deception responses" in denying he was in the group that placed the bomb at the 16th Street Church. A second examiner concluded that Mr. Rowe's "deception responses" might indicate the "withholding of vital information" rather than actual participation.

The investigative files contain speculation, based on those so-called lie-detector tests, that Mr. Rowe may now be caught between a desire for publicity and a fear of prosecution. In 1976, Mr. Rowe published a book entitled "My Undercover Years With the Ku Klux Klan," and the investigative records state that he is now trying to get a movie made about his life.

Named Nine Klansmen

Mr. Rowe, in his mid-40's and living in an undisclosed location, worked as an ambulance driver, nightclub bouncer and for a Birmingham dairy before he became an F.B.I. informant. In addition to monthly payments, Mr. Rowe wrote in his book, the F.B.I. also provided money for his Klan robe, dues, initiation fee and mileage on his car.

In 1976, Mr. Rowe gave the Alabama authorities the names of nine Klansmen who he said had been involved in the church bombing. But the polygraph results and contradictions in his subsequent statements to investigators raised the suspicion that he might have been in the car with Mr. Chambliss when the bomb was planted, according to a source close to the investigation.

Or, the investigators believe, Mr. Rowe may have known the bomb had been placed at the church and compromised himself by failing to tell the F.B.I. about it in time to save the four black girls who were killed in the explosion.

Mr. Rowe's testimony under immunity from prosecution led to one conviction arising from his days as an informer. That was in the Federal conspiracy trial of three Klansmen whom he accompanied in the car that chased Mrs. Liuzzo on a lonely stretch of highway. As he and his companions drew alongside Mrs. Liuzzo's speeding car, Mr. Rowe testified, he pointed his pistol out the window and pretended to fire, leaving the killing to one of his companions.

Associated Press

Gary Thomas Rowe, wearing sunglasses, was escorted by Federal agents as he left courthouse in Hayneville, Ala., Oct. 21, 1965, after testifying on the death by shooting of Viola Liuzzo, a civil rights worker from Detroit.